



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Sergio Mendoza, Planning Director

Meeting Date: October 10, 2023

Agenda Item: BZA Docket No. 23-007

Application Type: Developmental Standards Variance

Hearing: PUBLIC HEARING

Summary: Paul Taylor is seeking a variance to development standards to allow signage that conforms to the sign standards applicable to CD4.A Districts in Table 26-6.701.A to the tenant spaces on the east side of the building located at 11 Ridge Road.

Applicant: Paul E. Taylor

Property Address: 11 Ridge Road

Current Zoning: CD-4.A (General Urban-A District)

Adjacent Zoning: North: CD-3.R1 (Neighborhood- 70' Lot SFR)
South: CD-4.A (General Urban-A District)
East: CD-4.A (General Urban-A District)
West: CD-4.A (General Urban-A District)

Action Requested: Approval of Variance Request

Additional Actions Required: Findings of Fact

Staff Recommendation: **Approve as Presented**

Attachments: Supporting documents in staff report



Figure 1 Subject property.

BACKGROUND

Paul Taylor is requesting to apply the sign standards that apply to the building frontage on Ridge Road to the east side of the building at 11 Ridge Road. This building is a multi-tenant building that was constructed in the 1960's. Several of the tenant spaces face an interior parking lot creating a private frontage.

DISCUSSION

According to the Munster Character-Based Code, structures are allowed to have one sign per Façade, per business (MZC pgs. 423, 427, 428)

A **Façade** is defined as the exterior Wall of a Building that is set along a Frontage Line, excluding any Garage or other parking accommodations.

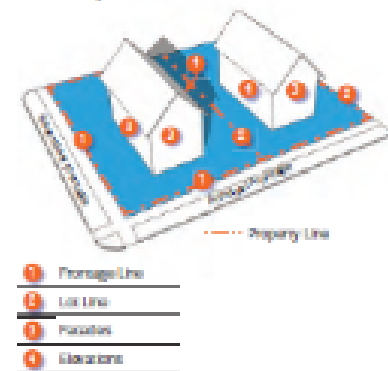
**The facade of 11 Ridge Road is along Ridge Road, meaning the business entrance that faces Ridge Road is allowed signage. There is no façade facing the parking lot, meaning signage is not allowed at the entrances to the businesses that face the parking lot.*

ILLUSTRATION 26-6.901.F-1 FAÇADE



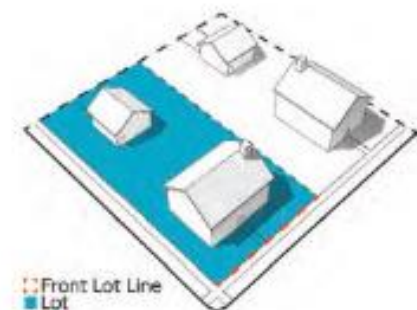
A **Frontage Line** is defined as the common line that separates the Private Frontage from the Public Frontage, typically at the Front Lot Line in cases where the entire Public Frontage is with the public right-of-way.

ILLUSTRATION 26-6.405.0-2 (FRONTAGE AND LOT LINES)



The **Front Lot Line** is the boundary at the front of a Lot along the Thoroughfare right-of-way or Drive Aisle, as applicable.

ILLUSTRATION 26-6.901.F-5 FRONT LOT LINE



A **Drive Aisle** is a curbed vehicular accessway within a development site that connects to a street or another internal drive and provides access and circulation to or through such development site and the Building(s) and Parking accommodations thereon.

The east side of the building faces the parking lot. Since they do not have frontage on the east side of the building, they would be permitted a non-internally illuminated sign, up to six (6) square feet in size for the occupant at a publicly accessed entrance door if such sign is a wall sign, blade sign, or awning sign.

If the variance is approved, the petitioners would be permitted to install signage that conforms to the sign standards applicable to CD-4.A districts in Table 26-6.701.A to the tenant(s) on the east side of the building. This signage would include awning signs, blade signs, canopy signs, directory signs, outdoor display cases, plaque signs, window signs, and wall signs. Additionally, the tenant that occupies the southeast space would be permitted to have two signs, one on the south side of the building and one on the east side of the building.

VARIANCE STANDARDS

The variance process is established to provide relief to a property owner when, due to unique circumstances, compliance with the zoning code imposes a hardship or practical difficulty on a property owner. The BZA is under no obligation to grant a variance. It is the petitioner's responsibility to prove a hardship or practical difficulty. The BZA should ask the petition to address the criteria listed below.

Sec. 26-6.804.I of the Munster Zoning Code states that the basis for a variance is as follows:

g. General Standards.

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

- i. the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;
- ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;
- iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and
- iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

h. Specific to Development standards Variances:

A Variance from Development Standards may be approved or approved with conditions only if:

- i. it will not be injurious to the public health, safety, morals, and general welfare of the community;
- ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
- iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

The applicant has addressed these criteria in the attached application.

STAFF FINDINGS and RECOMMENDATION

Staff review of the subject site identifies a car courtyard layout, which is a classic 1960's and 1970's autocentric strip mall design. During the development of these types of commercial strip malls, accommodating the automobile was a priority and as a result customer access entrance points and signage were oriented towards these car courtyards. Today's society encourages pedestrian oriented modes of transportation and visibility from the public right-of-way. The town's current zoning codes reflect these efforts, which now impact the preexisting structures and site design. In order to offer relief to current and future commercial/service tenants, due to unique development of this site and structure, staff would support approval of this variance request with the condition that all signage meet the town's current bulk and design sign standards.

Below are two images of nearby municipalities (Highland and St. John) with similar 1960's and 1970's development designs and their sign implementation practices.



MOTION

The Board of Zoning Appeals may wish to consider the following motion:

Motion to approve BZA 23-007 variance as presented for private frontage signage, including all discussion and findings with the condition that all signage conforms to the sign standards applicable to CD4.A Districts in Table 26-6.701.A to the tenant spaces on the east side of the building located at 11 Ridge Road.